

**Yee &  
Associates, P.C.**

4100 Alpha Road  
Suite 1100  
Dallas, Texas 75244

Main No. (972) 385-8777  
Facsimile (972) 385-7766

RECEIVED  
CENTRAL FAX CENTER

FEB 01 2005

## FACSIMILE COVER SHEET

To: Commissioner for Patents for Examiner Jason D. Cardone Group Art Unit 2145	Facsimile No. 703-872-9306
From: Rebecca Clayton Paralegal to Duke W. Yee	No. of Pages Including Cover Sheet: 3
Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal document; and</li><li>• Notice of Appeal.</li></ul>	
Re: Application Serial No. 09/976,126 Attorney Docket No. RSW919980041US2	
Date: Tuesday, February 1, 2005	
<b>Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY  
FAXING A CONFIRMATION TO 972-385-7766.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

FEB 01 2005

In re application of: Dingsor et al.

Serial No.: 09/976,126

Filed: October 11, 2001

For: Method and Apparatus Load  
Balancing Server Daemons within a  
Server§  
§  
§  
§  
§  
§

Group Art Unit: 2145

Examiner: Cardone, Jason D.

Attorney Docket No.: RSW919980041US2

Certificate of Transmission Under 37 C.F.R. 61.8(a)I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306 on  
February 1, 2005.

By:

Rebecca Clayton

TRANSMITTAL DOCUMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

36736

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

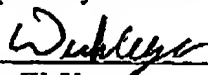
Sir:

ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$500.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0461. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0461.

Respectfully submitted,

  
Duke W. Yee

Registration No. 34,285

YEE &amp; ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

FEB 01 2005

In re application of: Dingsor et al.

Serial No.: 09/976,126

Filed: October 11, 2001

FOR: Method and Apparatus Load  
Balancing Server Daemons within a  
Server

Group Art Unit: 2145

Examiner: Cardone, Jason D.

Attorney Docket No.: RSW919980041US2

§  
§  
§  
§  
§  
§

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306  
on February 1, 2005.

By:

Rebecca Clayton

NOTICE OF APPEALCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated December 1, 2004 finally rejecting claims 16, 17, 19, 20, and 38.

A fee of \$500.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0461. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,

Duke W. Yee

Reg. No. 34,285

YEE &amp; ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANTS